IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 6511 of 2007(S)

PETITIONER:

K.V.JOHNEY,
S/O. VARGHESE,
AGED 46,
KUNDUKARAN HOUSE,
INJAKUNDU,
TRICHUR DIST. - 680312.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:
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1. M/S. HARRISONS MALAYALAM LTD.,
BRISTOW ROAD,
WILLINGTON ISLAND, KOCHI-3,
REP. BY ITS CHIEF MANAGER. (LEGAL)

2. M/S. HARRISON MALAYALAM LTD.,
MOOPLY ESTATE
PALEPILLY DIST.-680304,
TRICHUR DIST.,
REP. BY ITS ESTATE MANAGER.

3. M/S. HARRISONS MALAYALAM LTD.,
KONEY ESTATE KALLELITHOTTAM PORT,
PATHANAMTHITTA DIST.,
REP. BY ITS ESTATE MANAGER.

4. THE SECRETARY,
FOREST DEPARTMENT,
SECRETARIAT,
TRIVANDRUM.

5. THE SECRETARY TO REVENUE DEPARTMENT,
SECRETARIAT,
TRIVANDRUM.

6. UNION OF INDIA,
REP. BY ITS SECRETARY TO FOREST ENVIRONMENT,
CENTRAL SECRETARIAT,
TRIVANDRUM.

7. STATE OF KERALA, REP. BY
ITS CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

BY ADV. SHRI NAGESWARA RAO (SR.)
ADV. SRI.A.M.SHAFFIQUE
ADV. SRI.E.K.NANDAKUMAR
ADV. SRI.A.K.JAYASANKAR NAMBIAR
ADV. SRI.ANIL D. NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS;

EXT.P1	:	THE TRUE COPY OF THE DOCUMENT OF SUB LEASE EXECUTED BY THE 2ND RESPONDENT TO ONE M.L.VINCENT.
EXT.P2	:	THE TRUE COPY OF THE DOCUMENT EXECUTED BY THE 2ND RESPONDENT TO ONE P.T. PAULSON.
EXT.P3	:	THE TRUE COPY OF THE DOCUMENT EXECUTED BY THE THIRD RESPONDENT TO ONE PAUL MATHEW.
EXT.P4	:	THE TRUE COPY OF THE ORDER DT. 08.02.2007 OF THE 4TH RESPONDENT.
EXT.P5	:	THE TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE RESPONDENTS 4 AND 5 DT. 19.02.2007.

RESPONDENTS' EXHIBITS:

EXT.R1(a)	:	TRUE COPY OF THE COMPLAINT DATED 13.12.2006 ADDRESSED TO THE SUB INSPECTOR OF POLICE, VARANDRAPALLY.
EXT.R1(b)	:	TRUE COPY OF THE COMPLAINT DATED 06.01.2007 ADDRESSED TO THE SUB INSPECTOR OF POLICE, VARANDRAPALLY.
EXT.R1(c)	:	TRUE COPY OF THE COMPLAINT DATED 18.01.2007 ADDRESSED TO THE SUB INSPECTOR OF POLICE, VARANDRAPALLY.
EXT.R1(d)	:	TRUE COPY OF THE COMPLAINT DATED 22.01.2007 ADDRESSED TO THE SUPERINTENDENT OF POLICE, THRISSUR.
EXT.R1(e)	:	TRUE COPY OF THE COMPLAINT DATED 28.02.2007 ADDRESSED TO THE SUB INSPECTOR OF POLICE, VARANDRAPALLY.

/TRUE COPY/

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 6511 OF 2007

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Dated this the 11th October , 2007

J U D G M E N T

H.L. Dattu, C.J.:

Complaining that the respondents have not initiated any proceedings on a complaint filed by the petitioner dated 19.02.2007, the petitioner, who claims himself as a public spirited citizen, is before us for the following reliefs:

> *"i). Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 4 and 5 to recover the estates handed over to respondents 1 to 3 for violation of lease conditions.*
>
> *ii). Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 4 and 5 to recover the estates/land handed over to respondents 2 and 3 for violating the lease conditions.*
>
> *iii). Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 4 and 5 to implement Ext. P4 order.*
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> *iv). Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 4 and 5 to make appropriate steps, restraining respondents 1 to 3 from cutting and removing the trees standing in the estates handed over to them by way of lease agreements.*
>
> *v) Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 4 and 5 to recover the seigniorage value due to the State for the trees cut and removed by respondents 1 to 3.*
>
> *vi) Issue a writ of mandamus or any other appropriate writs, directions or orders commanding respondents 1 to 3 not to use herbicide Endosulphan in the property in the possession of respondents 1 to 3.*
>
> *vii) Issue such other orders as are deemed fit and proper*

in the circumstances of the case.

2. After service of notice, the State Government has filed its counter affidavit. In that affidavit, they have stated that the respondents have already initiated certain proceedings against the respondent-company for the alleged violation of the lease executed by the State Government in favour of the 1st respondent-company.

3. The assertions made by the State Government in its counter affidavit is not disputed by Shri Johnson Manayani, the learned counsel for the petitioner in this Public Interest Litigation. In view of this, in our opinion, since the respondents have already initiated certain proceedings against the 1st respondent-company for the alleged violation of the conditions of the lease agreement between the parties, no further orders need be passed in this Writ Petition. Accordingly, the Writ Petition is disposed of as having become unnecessary.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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